

STATE OF CONNECTICUT
BOARD OF FIREARMS PERMIT EXAMINERS

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**The Honorable
Legislative Office Building
Capitol Avenue
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Subject: Governor Rell has proposed consolidating the Board of Firearms Permit Examiners with the Department of Public Safety.

Impact on the public:

The Board is a civilian review board that offers the appeal process to the pistol permit holder whose permit has been revoked or denied in accordance with C.G.S. Sec. 29-32b. The function of the staff is to educate citizens of their rights as pistol permit holders and to prepare their appeals for an administrative hearing.

DPS revokes or denies pistol permits, and the Board, after hearing testimony, can uphold the DPS decision to revoke a permit or to override the DPS decisions, thereby reinstating pistol permits to suitable law abiding citizens. In many cases, these law abiding citizens would not have another chance to obtain a pistol permit, which is by federal law a constitutional right.

Impact on the State budget:

There is no cost savings to the State in consolidating the functions of the Board of The Firearms Permit Examiners within the Department of Public Safety. Eliminating the Board staff will result in DPS civilian staff or officers having to add the appeal process to their workload. Due to this increased workload, the DPS staff has proposed reducing the Board's hearings to one meeting every 90 days, or just four a year. The Board already has an 18 month backlog of cases. At the advice of the State Auditors Office, the Board members voted to increase the number of meetings from 12 to 16 a year. If the backlog is an 18 month wait with 16 meetings a year, the DPS proposal will increase the backlog from 18 months to six years. This is not due process. The Board's budget is \$99,000. This cost could be offset by either raising pistol permit fees to \$5.00 or by applying a fee to process an appeal. There are approximately 138,000 pistol permit holders in the State of Connecticut.

Consolidating this agency leads to an increased workload at DPS, this leads to overtime cost and a backlog of appeals. The result is no cost savings for the State and the diminished rights of its citizens.

Governor Rell has already proposed moving 17 officers back to the state highways to protect the public. Is it cost effective for DPS officers to be paid overtime to process appeals? Taxpayers would benefit by maintaining an impartial Board office.

Impact on the overburdened court system:

Due to the increased backlog, appellants may decide to appeal directly to Superior Court. Governor Rell has already proposed closing two courts. This leaves little or no options for the public.

Connecticut General Statute 29-32b provides a civilian review board with impartial staff that protects the rights of the public. Please preserve the Board and the citizens it serves.

There are many reasons why permits are revoked or denied. The pistol permits are revoked before a person has gone to trial. The office of the Board of Firearms Permit Examiners has prepared some examples of the Board's function to share with you.

1) There is a verbal argument at your house and a neighbor calls the police. Your permit will automatically be revoked, even if the court charges are eventually dropped because it was all a misunderstanding. This is when the permit holder needs an appeal. They will appear before the Board to testify as to why they should have a permit and Department of Public Safety testifies why they should not have a permit. This is when the Board makes the ultimate decision.

2) A permit holder reports the loss or theft of his firearm in accordance to state statute Sec 53-202g(b) as amended by public act 07-163 states "...Any person who violates subsection (a) of this section for the first time shall not lose such person's right to hold or obtain any firearm permit under the general statutes". The state police routinely revoke the pistol permit of anyone who reports the loss or theft of his pistol or revolver even when the black letter law of the state statute shields the permit holder from the lose of his permit. Such cases are frequently heard by the Board, and the appellant can be found to be suitable to hold a pistol permit.

3) Often times there are first offenders who have received a nolle from the court. Often times the offender is not told that they should be reissued a permit when the nolle is complete.

These are only a few examples of the cases where the checks and balances need to be in place. This is why having an impartial staff and Board is necessary to oversee the process and to preserve the citizen's rights.

Please visit our web site "audio minutes" where we hear live testimony and deliberations. www.ct.gov/bfpe. You will hear the potential conflict that could arise from DPS controlling the Board staff and functions.

Staff is available at anytime to meet with you to answer any of your questions. The agency phone number is 860-566-7078 or email firearm.permit.appeals@ct.gov

Thank you for your time and dedication to our state!

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